

## REMARKS

Claims 1-30 have been cancelled. New claims 31-40 have been added. Accordingly, claims 31-40 are pending.

The Examiner has rejected claims 23-30 under 35 USC 103(a) as being unpatentable over Funk in view of Cheffetz. Claims 23-30 have been cancelled.

New claim 31 is believed to be allowable over the references cited. Funk describes using electronic mail to modify a remote file. Cheffetz teaches concurrent pre-selection of files for remote backup by multiple nodes on a network. Neither Funk nor Cheffetz teaches “intercepting change information,” as recited in claim 31. In addition, neither Funk nor Cheffetz describes transmitting change information via a transmission that is “initiated by the computer system” on which a file being backed up is stored, as recited in claim 31. Finally, neither reference teaches transmitting change information “substantially concurrently with a time the change to the file occurs,” as recited in claim 31. The Office Action notes Funk does not explicitly teach that the transmission is initiated substantially concurrently with a time the change to the file occurs. Office Action, p 3. On page 4, the Office Action states that Cheffetz explicitly teaches a substantially concurrently data backup transmission. Cheffetz, col. 3, lines 49-59. However, in the passage cited in the Office Action Cheffetz in fact teaches that the remote nodes **compile** their respective backup lists “substantially concurrently”, not **transmit change information** “substantially concurrently with a time the change to the file occurs,” as recited in claim 31. Cheffetz, col. 3, lines 36-59. Thus, claim 31 is believed to be allowable.

New claims 32-39 depend from claim 31 and are believed to be allowable for the same reasons described above.

Similarly to claim 31, new claim 40 recites a processor configured to “intercept change information”, transmit the change information via a transmission “initiated by the computer system” on which the file being backed up is stored, “substantially concurrently with a time the change to the file occurs.” Therefore, claim 40 is believed to be allowable for the same reasons described above.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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